

STATE OF MICHIGAN
IN THE SUPREME COURT

Appeal from the Michigan Court of Appeals
The Hon. Amy Ronayne Krause, Elizabeth L. Gleicher and Anica Letica

DAVID R. SANDERS, an Individual
and HEATHER H. SANDERS, an
Individual,

Plaintiffs-Appellees,

Supreme Court Docket No. 158789
Court of Appeals No. 338937
Lower Court Case No. 16-003949-NO

vs.

TUMBLEWEED SALOON, INC., and
PAINTER INVESTMENTS, INC.,
d/b/a CHAUNCEY'S PUB,
a domestic profit corporation,

Defendants-Appellants,

and

SHAWN SPOHN and ZACHARY PIERCE,

Defendants.

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PAINTER INVESTMENT, INC.'S STATEMENT
IN SUPPORT OF DEFENDANT TUMBLEWEED SALOON, INC.'s REPLY BRIEF AS
TO APPLICATION FOR LEAVE TO APPEAL

PROOF OF SERVICE

Defendant PAINTER INVESTMENTS, INC. supports Appellant's Application for Leave to Appeal the Judgment of the Court of Appeals and concurs with the arguments contained in Appellant's joinder in response to Appellee's Reply Brief on the Application. Defendant-Appellant, Painter Investments, Inc., however, would make one clarification as to a factual reference on page 1 of Appellant Tumbleweed's Reply Brief in Support of Application for Leave to Appeal. On page 1 of the Reply Brief, Appellant Tumbleweed sets forth the following mis-statement:

"When they started up again, Mr. Solonika took their nearly full drink. The two men then left and returned to Chauncey's Pub".

The inaccuracy of the statement is that the two men did not return to Chauncey's Pub, only Mr. Pierce returned to retrieve his coat and then left. The subsequent altercation with Plaintiff-Appellee Sanders occurred on a public street outside of Chauncey's Pub while Appellant Painter Investment, Inc.'s employees were on the phone with the local police department reporting Mr. Spohn damaging vehicles outside on the public street.

Defendant-Appellant Painter Investment, Inc. further concurs with the argument of Appellant Tumbleweed in their Reply Brief that there are no claims against Defendant Tumbleweed for negligence such claim being made solely against Defendant-Appellant Chauncey's Pub. The claims of Counts 5 through 8 have no consequence to the issue before the Court. As set forth in Appellant Chauncey's Brief on Court of Appeals, such claims are precluded by the Michigan Dramshop Act, MCL 436.1801 as well as being factually unsupported and frivolous as all actions resulting in the altercation occurred at a time prior to the altercation where Appellant Chauncey's employees were reporting to the police the very nature of the assailant's conduct.

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